



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board North Coast Region

William R. Massey, Chairman

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Arnold
Schwarzenegger
Governor

June 13, 2006

Ms. Julie B. Raming
Georgia-Pacific Corporation
P.O. Box 105605
Atlanta, GA 30348-5605

Dear Ms. Raming:

Subject: **California Water Code Section 13267(b) ORDER**

File: Georgia-Pacific Fort Bragg Sawmill, 90 West Redwood Avenue, Fort Bragg
Case No. 1NMC462

On June 6, 2006, Craig Hunt and Cody Walker of my staff met with you and your representatives, as well as representatives of the City of Fort Bragg, to discuss the ongoing investigation work at the Georgia-Pacific Fort Bragg sawmill site. Preliminary data from chlorinated dibenzo-dioxin/furan analyses of samples from an ash stockpile and pond sediments were discussed. During that meeting, you had agreed to submit a report of that sampling and analysis, as well as to the submittal of a report of other ongoing investigation work. Accordingly, enclosed is a Water Code Section 13267(b) Order that requires the submittal of these reports. This Order also requires the submittal of a Public Participation Plan and a report and workplan regarding offsite ash disposal.

In the June 6 meeting, which included the City of Fort Bragg City Manager Ms. Linda Ruffing, it was agreed to hold a community workshop regarding the ongoing investigation after the report of chlorinated dibenzo-dioxin/furan investigation work is submitted. My staff will be working with you and Ms. Ruffing on preparing that meeting.

If you have any questions concerning the Order, please contact Craig Hunt of my staff at (707) 570-3767.

Sincerely,

/ORIGINAL SIGNED BY/

Catherine E. Kuhlman
Executive Officer

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California Environmental Protection Agency

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Enclosure: Water Code Section 13267(b) Order

cc: Mr. Michael Acton, Acton Mickelson Environmental, Inc., 5175 Hillsdale Circle,
Suite 100, El Dorado Hills, CA 95762
Ms. Kay M. Johnson, Tetra Tech, Inc., 3746 Mt. Diablo Boulevard, Suite 300,
Lafayette, CA 94549
Mr. Doug Heitmeyer, Georgia-Pacific Corporation, 90 West Redwood Avenue,
Fort Bragg, CA 95437
Ms. Linda Ruffing, City Manager, City of Fort Bragg, 416 N. Franklin Street,
Fort Bragg, CA 95437
Mendocino County Environmental Health Department, 501 Low Gap Road,
Room 1326, Ukiah, CA 95482
Mr. Dave Goble, Public Works Department, 416 N. Franklin Street,
Fort Bragg, CA 95437
Ms. Loie Rosenkrantz, 17201 Franklin Road, Fort Bragg, CA 95437
Ms. Barbara Cook, Department of Toxic Substances Control, 700 Heinz Avenue,
Suite 100, Berkeley, CA 94710
Mr. David L. Berry, Department of Toxic Substances Control, P.O. Box 806,
Sacramento, CA 95812
Ms. Ashle Crocker, Remy, Thomas, Moose, and Manley, 455 Capitol Mall,
Suite 210, Sacramento, CA 95814
Mr. Glenn S. Young, Fugro West, Inc., 1000 Broadway, Suite 200,
Oakland, CA 94607
Mr. Mark Stelljes, SLR International Corp, 117 Burgundy Court,
Martinez, CA 94553
Mr. James and Ms. Barbara McGuire, 22501 Bald Hill Road,
Fort Bragg, CA 95437
E-mail cc list

California Regional Water Quality Control Board
North Coast Region

ORDER REQUIRING TECHNICAL INFORMATION
PURSUANT TO WATER CODE SECTION 13267(b)

FOR

GEORGIA-PACIFIC CORPORATION
FORT BRAGG SAWMILL

90 W. Redwood Avenue
FORT BRAGG, CALIFORNIA

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. The Georgia-Pacific Corporation (Discharger) owned and operated a lumber mill in Fort Bragg, California, west of California Highway 1, at 90 West Redwood Avenue, hereinafter the "Site" (Attachment A).
2. In 2006, samples were taken by representatives of the Discharger from an ash stockpile located at the Site and from pond sediments at the site.
3. Preliminary results provided to Regional Water Board staff of the analysis of these samples reveal concentrations of chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans, hereinafter "dioxins". A final report of this sampling task and related analytical results has not been completed.
4. Soil and water investigations at the Site have been ongoing under the June 8, 2005 Acton Mickelson Environmental, Inc. *Work Plan for Additional Site Assessment* and the subsequent modifications to that plan, as concurred with by Regional Water Board staff in a letter dated September 19, 2005.
5. In a meeting on June 6, 2006, Regional Water Board staff met with representatives of the Discharger and of the City of Fort Bragg. During this meeting the preliminary results and the submittal of a report of the sampling and analyses for dioxins and for the other investigation work were discussed.
6. Groundwater at this site is shallow and surface water from this site discharges directly to the ocean.
7. Ash generated at the Site has previously been used as a soil amendment, under Waste Discharge Requirements Order No. 96-96 issued by the Regional Water Board. The soil amendment site was located on land owned by James I. and Barbara McGuire within Sections 4 & 5 of T18N, R17W, and Sections 32 &

33 of T19N, R17W (MDB&M) on 249 acres of pasture land, hereinafter the McGuire Ranch Site, drained by Virgin Creek. The record indicates that sampling of the soil amendment site for dioxins has not been routinely performed as part of a monitoring program.

8. The following sections of the Porter-Cologne Water Quality Control Act authorize the Regional Water Board Executive Officer to make the following requirements for persons suspected of discharging waste that could affect the quality of waters within this region:
 - Section 13267(a) - *“A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region.”*
 - Section 13267(b) - *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or proposes to discharge waste within its region...that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires.”*
 - Section 13267(c) - *“In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.”*
9. All of the technical reports required by this Order are necessary to ensure that any threat to water quality created by the discharges described above are properly abated and controlled.
10. In light of the preliminary data indicating a potential threat to water quality, the burden, including costs, of the reports required by this Order bear a reasonable relationship to the need for the reports and the benefits to obtained therefrom.
11. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.
12. Failure to comply with the terms of this Order may result in enforcement under the California Water Code. Any person failing to provide technical reports

containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to clean up or abate threatened or actual discharges as required by this Order is, pursuant to Water Code Section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged. Any person discharging waste into navigable waters of the United States without waste discharge requirements is, pursuant to Water Code Section 13385(c), subject to administrative civil liabilities of up to ten thousand dollars (\$10,000.00) per day in which the discharge occurs plus ten dollars (\$10.00) per gallon of waste discharged, and may also be subject to criminal prosecution pursuant to Water Code Section 13387.

13. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code Section 13320 and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, any such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13267(b) the Discharger shall:

1. By July 17, 2006, the Discharger shall submit to the Executive Officer a complete report of the dioxin sampling and analyses. This report shall also include a summary of any and all information available concerning the locations of disposal or reuse of ash generated at the Site.
2. By August 14, 2006, the Discharger shall submit to the Executive Officer a report of all investigation work performed through the April 2006 sampling of pond sediments, under the June 8, 2005 Acton Mickelson Environmental, Inc. *Work Plan for Additional Site Assessment* and the subsequent modifications to that plan.

3. By August 14, 2006, the Discharger shall submit to the Executive Officer a Public Participation Plan for ongoing public participation for this site.
4. By August 14, 2006, the Discharger shall submit a workplan for investigation at the McGuire Ranch Site to evaluate potential dioxin impacts.
5. All of the above required information shall be submitted under penalty of perjury.

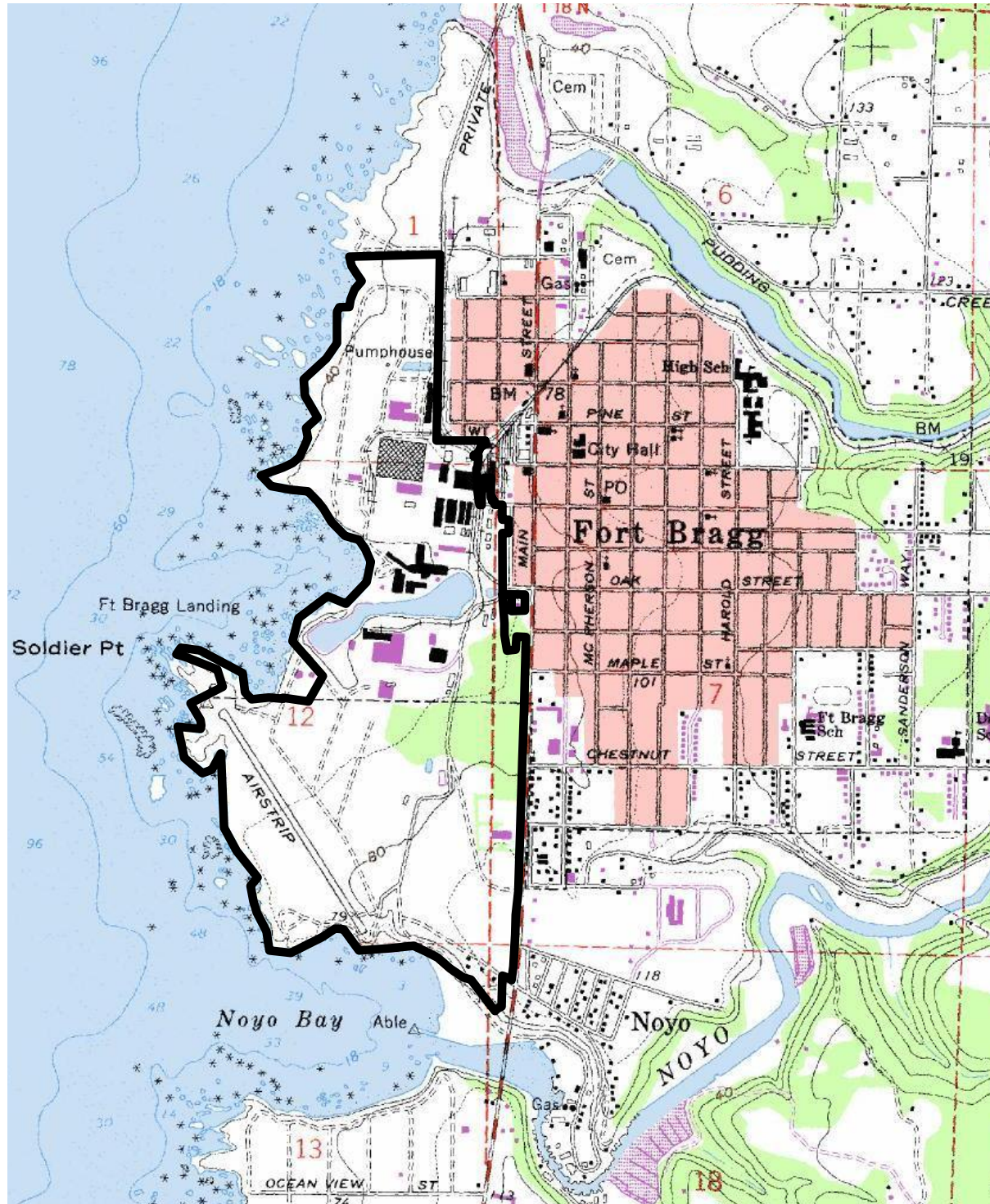
/ORIGINAL SIGNED BY/

Ordered by _____

Catherine E. Kuhlman
Executive Officer

June 13, 2006

ATTACHMENT A



Site Location Map (base map is from a USGS Fort Bragg, California, 7.5 Minute Topographic Quadrangle). The Site is roughly outlined in black.